

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 98-360-T - ORDER NO. 1999-350

MAY 17, 1999

|   |   |             |
|---|---|-------------|
| IN RE: Application of Samuel Redding DBA    | ) | ORDER       |
| Redding Moving Systems, 735 S. Irby Street, | ) | AMENDING    |
| Florence, SC 29501, to Amend Class E        | ) | CERTIFICATE |
| Certificate of Public Convenience and       | ) |             |
| Necessity No. 9679.                         | ) |             |

✓ MR

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Application of Samuel Redding d/b/a Redding Moving Systems (“Redding” or “Applicant”) to amend Class E Certificate of Public Convenience and Necessity No. 9679. Samuel Redding d/b/a Redding Moving Systems is the holder of Class E Certificate of Public Convenience and Necessity No. 9679 which authorizes the follow scope of authority:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):  
Between points and places in Florence, Marion, Dillon, Marlboro,  
Chesterfield, and Darlington Counties to points and places in  
South Carolina.

By the Application, Redding requests that the Certificate be amended to authorize the following scope of authority:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):  
Between points and places in South Carolina.

The Commission’s Executive Director instructed the Applicant to publish a Notice of Filing in newspapers of general circulation in the areas affected by the Application. The Notice of Filing provided details of the Application and of the

requested authority and provided information for public participation in the proceedings concerning the Application. Subsequently, a Petition to Intervene was filed by John E. Austin, Jr., President of Austin Moving & Storage Co., Inc.

A hearing on Redding's Application was held on April 7, 1999, at 2:30 P.M. in the hearing room at the offices of the Commission. The Honorable William T. Saunders, Vice Chairman, presided. Redding was not represented by counsel, nor was the intervenor John E. Austin, Jr., represented by counsel. Florence P. Belser, Staff Attorney, represented the Commission Staff.

Samuel Redding, Jeremiah Redding, Bryan Rabon, and Christopher Baker testified on behalf of Redding. John E. Austin, Jr. testified on behalf of himself. The Staff did not present any witnesses.

#### **APPLICABLE LAW**

1. S.C. Code Ann. Section 58-23-330 (Supp. 1998) provides in relevant part that "[a]n applicant applying for a certificate or applying to amend a certificate to operate as motor vehicle common carrier may be approved upon showing based on criteria established by the commission that the applicant is fit, willing, and able to perform appropriately the proposed service."

2. S.C. Code Ann. Section 58-23-590(C) provides in relevant part as follows:

The commission shall issue a common carrier certificate or contract carrier permit of public convenience and necessity if the applicant proves to the commission that:

- (1) it is fit, willing, and able to properly perform the proposed service and comply with the provisions of this chapter and the commission's regulations; and

- (2) the proposed service, to the extent to be authorized by the certificate or permit, is required by the present public convenience and necessity.

3. 26 S.C. Code Regs. 103-133 (Supp. 1997) provides, in relevant part, that the Commission use the following criteria to determine whether an applicant is fit, willing, and able to provide the requested service to the public:

- a. FIT. The applicant must demonstrate or the Commission determine that the Applicant's safety rating is satisfactory. This can be obtained from U.S.D.O.T, SCDHPT, and PSC safety records. Applicants should also certify that there are no outstanding judgments pending against such applicant. The applicant should further certify that he is familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agrees to operate in compliance with these statutes and regulations.
- b. ABLE. The applicant should demonstrate that he has either purchased, leased, or otherwise arranged for obtaining necessary equipment to provide the service for which he is applying. The applicant should also provide evidence in the form of insurance policies or insurance quotes, indicating that he is aware of the Commission's insurance requirements and the costs associated therewith.
- c. WILLING. Having met the requirements as to "fit and able", the submitting of the application for operating authority would be sufficient demonstration of the applicant's willingness to provide the authority sought.

#### **EVIDENCE OF RECORD**

Samuel Redding testified regarding his request for amend authority to provide household goods moving services. Mr. Redding stated that he has had occasion to refuse moving services which are outside the scope of his present authority. Mr. Redding stated

that he requests statewide authority so that he may lawfully move household goods for customers who request his services for moves that currently fall outside the scope of his present authority. Mr. Redding stated that he does not intend to advertise in areas of the state other than the Florence area where he is located but stated that he would like to perform moves for customers who may call him by way of referral or who have used his services previously. Mr. Redding also stated that he would like to be able to accommodate customers who may desire his services for a back-haul type move where the point of origin for the move is outside his present authority and the destination is also outside his present authority. Mr. Redding stated that he has been asked to move household goods to the beach area or to the lake area by customers and has had to refuse those moves as outside his authority.

Mr. Redding testified that he has sufficient equipment to perform the services for which he seeks authority and that he is also purchasing a new vehicle. According to Mr. Redding, he maintains sufficient insurance to comply with the Commission's requirements; he has a satisfactory safety rating; he has no outstanding judgments pending against him; and he is aware of and will comply with the Commission's rules and the laws pertaining to motor carriers.

Jeremiah Redding, brother of Samuel Redding, testified that he works as a consultant for the business and acknowledged that they have refused requests for service outside of the present authority. Mr. Jeremiah Redding stated that they are not trying to invade on the territory of other movers but that they want to be in the position to move a customer should the occasion arise. Mr. Jeremiah Redding stated that calls for business have been steady and further stated that he believes that the population growth in South

Carolina would support the request for the amended authority. In support of his opinion, Mr. Jeremiah Redding offered into evidence U.S. Bureau of Census information regarding the change in population for the counties in South Carolina (Hearing Exhibit No. 2).

Brian Rabon, an accountant in Florence, testified that he had used the services of the Applicant previously and was pleased with the move. Mr. Rabon also stated that he had requested the Applicant's services when he required moving services from the Charleston area to Florence and the Applicant could not perform those services. Mr. Rabon stated that he would use the service of the Applicant again should he have occasion to need moving services.

Christopher Baker stated that he had used the services of the applicant for a move in 1997 and that the service and rate was good. Mr. Baker further stated that he had sought the Applicant's service on a move from Sumter to Florence and that the Applicant had refused to make the move as the Applicant was not authorized to originate moves from Sumter County.

John E. Austin, Jr., President of Austin Moving & Storage Co., Inc., testified in opposition to the granting of full state-wide authority to the Applicant. Mr. Austin stated that he did not believe that it was economically feasible for a mover in Florence to make a move from Charleston to Myrtle Beach. Mr. Austin further stated that he did not believe that a mover could fully service the state with two trucks and no storage. Mr. Austin further stated that he did not oppose amending the Applicant's certificate to provide moving services from points in South Carolina back to the counties where the Applicant presently serves.

**FINDINGS OF FACT**

After full consideration of the Application, the testimony presented, and the applicable law, the Commission makes the following findings of fact:

1. The Applicant, Samuel Redding d/b/a Redding Moving Systems, is a presently certified by the Commission to operate as a motor vehicle carrier providing transportation services for hire of household goods in a limited portion of South Carolina.

2. The Applicant, Samuel Redding d/b/a Redding Moving Systems, desires to increase the scope of his authority to allow him to provide the authorized transportation services throughout the State of South Carolina.

3. The Applicant, Samuel Redding d/b/a Redding Moving Systems, is fit, willing, and able to provide and properly perform the services which he seeks to provide.

4. The Applicant, Samuel Redding d/b/a Redding Moving Systems, has not demonstrated to the Commission, as required by S.C. Code Ann. Section 58-23-590 (Supp. 1998) that the public convenience and necessity require the proposed services on a full statewide basis. However, the Commission finds that the Applicant has demonstrated that the public convenience and necessity does require and will allow the provision of additional motor vehicle carrier services for the transportation of property as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):

Between points and places in Florence, Marion, Dillon, Marlboro, Chesterfield, Darlington, Horry, Georgetown, Williamsburg Clarendon, Lee, Sumter, and Orangeburg Counties to points and places in South Carolina, and

From points and places in South Carolina terminating in Florence, Marion, Dillon, Marlboro, Chesterfield, Darlington, Horry, Georgetown, Williamsburg, Clarendon, Lee, Sumter, and Orangeburg Counties.

**CONCLUSIONS OF LAW**

1. The Commission concludes that the Applicant has demonstrated that he is fit, willing, and able to perform the services for which he seeks authority to provide. The Applicant is presently providing transportation services of household goods under a Certificate issued by this Commission. As to being fit, the Applicant presented evidence at the hearing by testifying that he has a satisfactory safety rating and the Commission takes judicial notice of its files that a satisfactory safety rating for the Applicant is contained in the files of the Commission, that he has no outstanding judgments pending against it, and that he is familiar with and will operate in compliance with the statutes and regulations governing for-hire motor carrier operations in South Carolina. The Applicant demonstrated being able by testifying that he has the necessary equipment to provide the services for which he seeks authority and that he has the necessary insurance to meet the Commission's insurance requirements. Additionally, the Commission takes judicial notice of the insurance filing of the Applicant presently on file with the Commission. The requirement of willing is met by the Applicant filling the application and appearing at the hearing to obtain to request the additional scope of authority.

2. By his application, the Applicant requests full statewide authority to provide transportation services of household goods by motor vehicle. Pursuant to S.C. Code Ann. Section 58-23-590(C), the burden of proof as to whether the public convenience and necessity requires the services proposed by an application lies with an applicant. In the instant case, the Applicant and his witnesses testified to the need for additional services in the area around the lake near Florence County, and for a need for

reasonable and reliable services in counties contiguous to Florence County. Further, the Applicant also testified to having to refuse moving requests that were outside the scope of his present authority. As an example, the Applicant testified that he had been forced to refuse moves where he had made a move to another area of the state, and the customer had requested that the Applicant move a small shipment to a vacation home at the beach or the lake areas.

The Applicant presented no testimony or evidence as to the state of available moving service in other areas of the state, other than what may be referred to as the Pee Dee Region and the LowCountry region of the state. While the Applicant indicated a strong desire to serve the entire State of South Carolina, a desire to serve does not meet the standards of proof required to show that the public convenience and necessity requires the service.

The Intervenor, which operates from Greenville, South Carolina, testified that he objected to the granting of full statewide authority for the Applicant. But the Intervenor also stated that he did not object to the granting of authority to make return moves into the counties where the Applicant is authorized to move.

Based upon the evidence presented, the Commission concludes the need for full statewide authority has not been demonstrated. However, the Commission does conclude that the Applicant has shown that additional services are needed in the areas around Florence County including the areas around the lake system and the beach, as well as for authority to make moves from points in the state back to these counties. Therefore, the Commission concludes that the Applicant should be granted additional operating authority to include the counties of Horry, Georgetown, Williamsburg, Clarendon, Lee,



Sumter, and Orangeburg Counties. These counties will be added to the current scope of the Applicant, and the amended scope of authority under which the Applicant may provide for-hire transportation services is as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):  
Between points and places in Florence, Marion, Dillon, Marlboro, Chesterfield, Darlington, Horry, Georgetown, Williamsburg Clarendon, Lee, Sumter, and Orangeburg Counties to points and places in South Carolina, and  
From points and places in South Carolina terminating in Florence, Marion, Dillon, Marlboro, Chesterfield, Darlington, Horry, Georgetown, Williamsburg, Clarendon, Lee, Sumter, and Orangeburg Counties.

IT IS THEREFORE ORDERED THAT:

1. The Class E Certificate of Public Convenience and Necessity No. 9679 authorizing Samuel Redding d/b/a Redding Moving Systems to provide transportation services by motor vehicle is amended to read as follows:

HOUSEHOLD GOODS, AS DEFINED IN R.103-210(1):  
Between points and places in Florence, Marion, Dillon, Marlboro, Chesterfield, Darlington, Horry, Georgetown, Williamsburg Clarendon, Lee, Sumter, and Orangeburg Counties to points and places in South Carolina, and  
From points and places in South Carolina terminating in Florence, Marion, Dillon, Marlboro, Chesterfield, Darlington, Horry, Georgetown, Williamsburg, Clarendon, Lee, Sumter, and Orangeburg Counties.

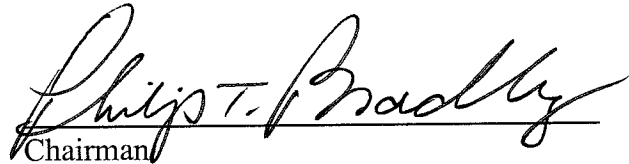
2. The Applicant shall file the proper license fees and other information required by S.C. Code Ann. Section 58-23-10 et seq. (1976), as amended, and by R.103-100 through R.103-241 of the Commission's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 26 (1976), as amended, and R.38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, S.C. Code Ann. Vol. 23A (1976), as amended within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

3. Upon compliance with S.C. Code Ann. Section 58-23-10, et seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann., Vol. 26 (1976), as amended, a Certificate shall be issued to the Applicant authorizing the motor carrier services granted herein.

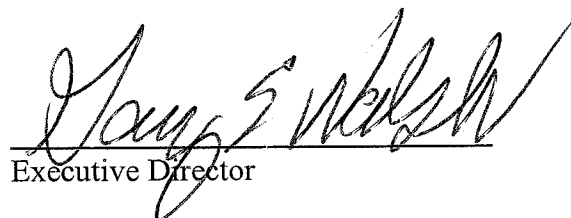
4. That prior to compliance with such requirements and receipt of a Certificate, the motor carrier services authorized herein may not be provided.

5. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)